

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 72, nays 13, not voting—14, as follows:

[Rollcall Vote No. 205 Leg.]

YEAS—72

Akaka	Dole	Menendez
Alexander	Domenici	Mikulski
Baucus	Dorgan	Murkowski
Bayh	Durbin	Murray
Bingaman	Ensign	Nelson (FL)
Bond	Feingold	Nelson (NE)
Boxer	Feinstein	Obama
Brown	Harkin	Pryor
Bunning	Hatch	Reed
Burr	Inouye	Reid
Byrd	Isakson	Salazar
Cantwell	Kennedy	Sanders
Cardin	Klobuchar	Schumer
Carper	Kohl	Smith
Casey	Kyl	Snowe
Chambliss	Landrieu	Stabenow
Clinton	Lautenberg	Stevens
Cochran	Leahy	Sununu
Coleman	Levin	Tester
Conrad	Lieberman	Thune
Corker	Lugar	Voinovich
Craig	Martinez	Webb
Crapo	McCaskill	Whitehouse
Dodd	McConnell	Wyden

NAYS—13

Allard	Gregg	Sessions
Bennett	Hutchison	Shelby
Collins	Inhofe	Vitter
DeMint	Lott	
Grassley	Roberts	

NOT VOTING—14

Biden	Graham	McCain
Brownback	Hagel	Rockefeller
Coburn	Johnson	Specter
Cornyn	Kerry	Warner
Enzi	Lincoln	

The motion was agreed to.

The PRESIDING OFFICER. A quorum is present.

Mr. REID. Mr. President, I am going to move briefly to proceed to a motion to reconsider, but I wanted to tell all Members that this vote is not going to be a 20-minute vote. There are people coming from all over the country, both Democrats and Republicans. I don't think it matters. This is going to be the last vote of the night, anyway, but this vote will go a little longer.

I ask unanimous consent that the motion to proceed to the motion to reconsider the failed cloture vote on the substitute be agreed to, the motion to reconsider be agreed to, and the Senate proceed to vote on the motion to invoke cloture on the Kennedy-Specter substitute amendment No. 1150.

The PRESIDING OFFICER. Is there objection?

Hearing no objection, it is so ordered.

Mr. REID. I move to reconsider the vote.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order and pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk reads as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the substitute amendment No. 1150 to Calendar No. 144, S. 1348, comprehensive immigration legislation.

Harry Reid, Jeff Bingaman, Dick Durbin, Charles Schumer, Daniel K. Akaka, Jack Reed, Mark Pryor, Joe Biden, Amy Klobuchar, Daniel K. Inouye, Herb Kohl, H.R. Clinton, Evan Bayh, Ken Salazar, Debbie Stabenow, Frank R. Lautenberg, Joe Lieberman.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on amendment No. 1150, an amendment in the nature of a substitute offered by Mr. REID of Nevada, to S. 1348, to provide for comprehensive immigration reform and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHN-SON) is necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Oklahoma (Mr. COBURN), and the Senator from Wyoming (Mr. ENZI).

The yeas and nays resulted—yeas 45, nays 50, as follows:

[Rollcall Vote No. 206 Leg.]

YEAS—45

Akaka	Hagel	Menendez
Bayh	Harkin	Mikulski
Biden	Inouye	Murray
Brown	Kennedy	Nelson (FL)
Cantwell	Kerry	Nelson (NE)
Cardin	Klobuchar	Obama
Carper	Kohl	Reed
Casey	Lautenberg	Reid
Clinton	Leahy	Salazar
Conrad	Levin	Schumer
Dodd	Lieberman	Specter
Durbin	Lincoln	Stabenow
Feingold	Lugar	Voinovich
Feinstein	Martinez	Whitehouse
Graham	McCain	Wyden

NAYS—50

Alexander	Crapo	Murkowski
Allard	DeMint	Pryor
Baucus	Dole	Roberts
Bennett	Domenici	Rockefeller
Bingaman	Dorgan	Sanders
Bond	Ensign	Sessions
Boxer	Grassley	Shelby
Bunning	Gregg	Smith
Burr	Hatch	Snowe
Byrd	Hutchison	Stevens
Chambliss	Inhofe	Sununu
Cochran	Isakson	Tester
Coleman	Kyl	Thune
Collins	Landrieu	Vitter
Corker	Lott	Warner
Cornyn	McCaskill	Webb
Craig	McConnell	

NOT VOTING—4

Brownback	Enzi
Coburn	Johnson

The PRESIDING OFFICER. On this vote the yeas are 45 the nays are 50. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader.

CREATING LONG-TERM ENERGY ALTERNATIVES FOR THE NATION ACT OF 2007—MOTION TO PROCEED

Mr. REID. I move the Senate proceed to consideration of the Energy bill, H.R. 6.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that there be a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

IMMIGRATION REFORM

Mr. REID. Mr. President, this has been a very difficult time. I think there has been a lot of bending over backward to accommodate people who have wanted to offer amendments. Initially, as you will recall, the negotiators were given quite a bit of time, and then when that "quite a bit of time left," they wanted another week and they got that.

After the debate started, the majority leader said, this is a 2-week bill, and it is. I extended debate past the recess. During the floor debate, we have disposed of 42 amendments, including 28 rollcall votes. Last night we asked for consent to move the cloture vote from this morning to tonight so we could have another full day of amendments. That didn't work out.

I understand why some of my colleagues on the other side of the aisle thought maybe that wasn't a good idea. But I thought we could, after cloture was not invoked this morning, move some other amendments. We tried hard to do that. We were unable to do that. I tried every possible way to get amendments up today; every possible way.

A real short recounting of this. I offered votes on eight amendments, four on each side. Then we tried six, three on each side. Again, my friends on the other side of aisle objected to that. Then I tried three Republican amendments, only two Democratic amendments. That was objected to by my colleagues on the other side.

Finally, I tried to get a significant number of additional amendments pending so they could receive votes after cloture. That was objected to. Republicans even objected to calling up their own amendments.

So having spent all day trying to diligently work out a way to vote on Republican and Democratic amendments and facing objections from my Republican colleagues, I found the only thing we can do is try to get cloture tonight.

I was hoping my friends on the other side of the aisle would understand that small groups shouldn't dictate what

happens around here, but that is what happened.

But I, even though disappointed, look forward to passing this bill.

We are going to take the bill off the Senate floor, as I just indicated and we have done. But there are ways we can do this. There could be an agreement of a number of amendments. I am saying to everyone here, I would do my very best to have more Republican amendments than Democratic amendments. I know some of my colleagues don't want me to say that, but I would be willing to do that, with a time certain for passing this bill. Hopefully, we can do that in the next several weeks. There is a lot of support for this bill on the outside. The problem was on the inside of the Senate Chamber.

People have worked very hard on this bill. One of my colleagues in my office today, who has worked on this bill so hard, shed some tears. This is a bill about which people have a lot of emotion.

I have to acknowledge that my first reaction was, look how many votes they gave us, six or seven. All the Democrats could have voted for cloture—and we did, all but 10—and we still couldn't have gotten cloture. That was my reaction, to be upset. But there is no reason to be upset. I think we have to look toward passing this bill. It is something that needs to be done. There are some really good things in this bill. The DREAM Act—I will not belabor the point, but I will just briefly say that in Smith Valley, NV, a little mining community, a number of years ago, this beautiful child came up to me, a senior in high school. I knew she wanted to talk to me, and she did. She said: I am the smartest kid in my class. I can't go to college. My parents are illegal. What am I going to do, Senator? She couldn't do anything. I don't know what she is doing now. She is a grown woman, probably working on the onion farms in Smith Valley. Maybe she got married. I don't know what happened to her. She should have been able to go to college. We had a provision in this bill to allow people like that young lady to go to college.

A young man in Reno, NV, a small-in-stature Hispanic—he would be the master of ceremonies at events. He could sing. He could talk. It took me a number of years to realize he was in the country but he had bad papers. He couldn't drive a car. I haven't seen him for a number of years, don't know what has happened to him. He couldn't go to college. Under this legislation which is now no longer on the Senate floor, he could have had a pathway to legalization. He already knew English. He spoke better English than I do. Get a job, pay taxes, stay out of trouble—I am confident he would do that—pay some penalties and some fines to go to the back of the line, to be able to come out of the shadows, get the ability to drive a car. But we are not going to be able to do that for him now.

I have every desire to complete this legislation. We all have to work—the

President included—to figure out a way to get this bill passed. I am a creature of the Senate. I understand we live by the rules that govern this body. A small number of people can disturb what goes on here. My disappointment—and I have expressed this to Senator MCCONNELL—is I wish more of my colleagues on the other side of the aisle had in effect thumbed their nose at a few of these people and voted for cloture, at least giving us more votes than what we got. It didn't happen. There are personal reasons for doing that. I accept that. But in my office, about 7 o'clock tonight, a number of we Democratic Senators met there and made a commitment to each other that we are going to do everything we can to pass this bill as soon as we can. When is that? I don't know. But we are going to work hard. We are going to try to put aside the hurt feelings we have and move on with the anticipation that this bill is something the country needs, and the Senate needs to do this. I hope we can figure out a way to do so.

The PRESIDING OFFICER (Mr. PRYOR). The Republican leader.

Mr. MCCONNELL. Mr. President, my good friend the majority leader and I frequently are on opposite sides of issues and fighting to a draw occasionally. But on the matter we are dealing with tonight, both of us desire the same result, which is to get a bipartisan immigration bill that would be an improvement over the disastrous status quo we have on this important issue in America today. The utility, however, of a great many cloture votes, particularly when you don't succeed, is that it doesn't produce results.

I had indicated to my good friend the majority leader at the beginning of this debate that we needed—"we" meaning this side of the aisle—to have roughly the same number of Republican rollcall votes on this bill this year that we had the last time we brought it up. Now I think we were very close to getting there. My advice to my good friend on the other side was to not have this vote we just had tonight. I didn't believe I could support cloture at this point, although I certainly could at some point, provided we had enough votes on the amendments for which there was a demand on our side of the aisle. But we were not there yet. We could have finished this bill in a couple of more days, in my judgment.

Frankly, we have had too many cloture votes this year to get successful results. This is the 37th cloture vote we have had this year. By this point in the 109th Congress, we had had 13. By this point in the 108th Congress, we had had nine. By this point in the 107th Congress, we had had two. So my suggestion on a bill like this which does enjoy bipartisan support is to meet the threshold of acceptability, to get enough support over here to get to final passage.

I think we are giving up on this bill too soon. I like what I think I heard

the majority leader say, that he doesn't want to give up on it either. I think we are within a few days of getting to the end of what many would applaud as an important bipartisan accomplishment of this Congress. I encourage the majority leader to return to this issue in the near future. I doubt if the prospects will get better with the passage of time. There are a number of Republicans who are prepared to vote for cloture as soon as they believe their colleagues on this side of the aisle have had a reasonable opportunity to have offered and voted upon amendments they think would improve the bill. I don't think that is asking for too much.

I would be happy to commit tonight to the majority leader to continue to work with him to try to finish this bill at the earliest possible time. Obviously, it is his decision to decide when we go back to it. My advice would be to do that sometime soon. In the meantime, we will still be working with people on this side of the aisle to try to winnow down the number of amendments that really seem to need a rollcall vote and be prepared to try to work on this again at whatever point the majority leader decides to return to the measure.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, the distinguished Republican leader has laid out the problem: We are very close. At some point, we will be ready to vote for cloture. We need more votes on amendments, even though we have had more than on the bill last year. We are getting close to being prepared to vote for cloture. We have spent so much time on this bill trying to make people happy whom you couldn't make happy on this bill anyway. They had no intention of voting for the bill, voting for cloture. But we spent an inordinate amount of time—

Mr. MCCONNELL. Will the leader yield on that point?

Mr. REID. Mr. President, in a brief minute.

I want the right tone set here. I don't want this to be an adversarial process. This is not a battle between REID and MCCONNELL. The votes show what happened. It doesn't take Einstein to figure that one out. Republicans didn't vote for cloture. They hadn't had enough. What is enough? I don't know what is enough.

One of the elements that hasn't been mentioned here tonight—but only in passing, because I want to set the right tone—this is the President's bill. Last year, we passed the Democratic immigration bill. We passed it with help from some courageous Republicans. Here, part of those courageous Republicans met with some very strong Democratic Senators, working with Cabinet officers, to come up with a bill. They came up with a bill. The press has declared this to be the grand compromise. I accept that term. Where are

the President's men? Where are the President's people helping us with these votes?

We are finished with this for the time being. As we have been for days, we are going to have a list for you right away. We should have it by 5 o'clock tonight. We will have it for you in the morning. We are very close. At some point, we are going to do this. Pretty soon, we will have enough votes so we can support cloture. We are prepared to vote for cloture but not right now.

I want to finish this bill, but I can't do it alone. We can't do it alone. We did more than our share here tonight on cloture votes. We picked up seven votes during the day from the vote this morning to the vote this evening. But we need some help. I would hope the President understands that it is only going to be about 16 months until there is an election for a new President, either a Democratic or Republican President. He has a relatively short period of time to help us with this piece of legislation.

People know I am very concerned about what comes up on the floor. I am very time-conscious with what needs to be done. I am not always right, and I acknowledge that. But no one can take away from the fact that I try to get as much as we can out of this Senate. I am going to continue to do that. Part of the time I want to make sure we are able to add into the picture is time to do an immigration bill, but we over here can't do it alone. We need some help. We have an opportunity, as I said before. We want this number of amendments, and we are not going to go for 34. I heard that one yesterday. But whatever it is—10, 6, 5, 4, 3, a time for final passage—we will find time to get this bill up. If they—meaning the other side—have another idea how to get it done, we will work with them. We want to pass this bill. We are committed to immigration reform. We believe our country needs it, not only for the people who live in this country but people outside the country who recognize we have the ability to solve our own problems. Immigration is a problem. We are committed to work on it. And we will continue to do that. I hope for the good of this country we can move forward in a positive manner and pass this legislation.

I say again, let's have President Bush work with us. I want to work with him. You do not hear that from me very often. I will do whatever I can to have this part of his legacy, his immigration bill. I want no credit for it. No one else wants any credit for it. It can be his bill because if we pass this, there is credit to go around for everybody.

The PRESIDING OFFICER. The Republican leader.

Mr. McCONNELL. Mr. President, this is a complicated bill, but the key to passage is not complicated. Let me say again what I have been saying for 2 weeks. There is a demand on this side of the aisle to have roughly the same number of Republican rollcall votes

that we had when we took up this bill in the last Congress.

Now, my good friend, the majority leader, keeps referring to Members on our side of the aisle who are not going to vote for the bill under any circumstances, and there are a number of those on our side of the aisle. But they are not the key to getting cloture. It is the rest of us.

Let me be perfectly clear about it. What I am saying is, the rest of us who would like to be able to vote for cloture and would like to see us pass a bill are going to insist that the others of our colleagues—whether they vote for or against the bill in the end—have a chance to have roughly the same number of rollcall votes we had before.

It is not complicated. It is a very complicated bill, but the key to getting it passed is not complicated. We are not that far away from being able to get cloture on a bill. And the people like myself, who, if this procedural hurdle of getting an adequate number of rollcall votes is met, are going to vote for cloture would probably be able to bring enough of our colleagues along to get cloture on the bill.

That is why I advise my good friend to give it a couple more days. That is why I also advise him—right now, again, tonight—if he is going to turn back to this bill, I would not wait a whole long time to do it. It strikes me that it ought to be done sometime in the near future. If we can get this reasonable number of additional rollcall votes, I think there is an overwhelming likelihood of cloture on the measure and a bipartisan accomplishment.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, keep in mind the logic of this. It has been made graphically clear to me that the Republicans wanted more votes on their amendments. One problem: They objected to bringing up their own amendments. It makes it a little tough to vote on them. It is like having a basketball tournament where you have the five players on each side, and they are going to have a tournament, and the winner is the team with the most points, but—one problem—nobody will supply a basketball. That is what we had here.

The logic of the statement of my friend from Kentucky leaves me without a lot of understanding. They want more amendments. We did everything we could to have amendments today. I will go through it again. We started out with eight. They objected to it. Six, five; they objected every time. We said: Do you want more amendments pending? Here they are. We will give you six or eight. Objection.

So we know where we are. But let's realize where we are and not make up the facts. The real true facts: We wanted to give the Republicans votes on amendments. Voice votes did not count. It had to be rollcall votes. And I accepted that. But we could not get any kind of votes because we could not get amendments up—not for our fault.

So, Mr. President, I do not want to leave this floor tonight without stating how much I admire and appreciate seven courageous Republicans who did the right thing. They know what went on here in the last few days is wrong. They voted for cloture tonight. I am confident that others will join them in the future, if we have to do cloture again. But everyone—everyone—should acknowledge that what these seven Senators did was not easy. It is an act of courage that they did this.

While my compliments for them may not be very much, when the history books are written, this will be a profile in courage for their doing this tonight. I am convinced that is true. I admire them and appreciate what they did, setting an example.

I think we have all said enough, but I want to get the last word. So if people want to say more, I will—

The PRESIDING OFFICER. The Republican leader.

Mr. McCONNELL. Mr. President, then I want to express my admiration for the 12 Democrats who voted against cloture for being profiles in courage.

Look, the point is, it is quite simple. We all know how to get cloture. It is to have enough Republican rollcall votes, as I have repeatedly told my good friend from Nevada over the last 2 weeks. At whatever point we want to turn back to the bill and meet that threshold requirement, I think there is an overwhelming likelihood of getting cloture and moving forward.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, last word—I hope. You cannot have votes on amendments that people do not let you bring up to vote on. There is no basketball, remember. We have a game going but no basketball.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, this vote was obviously a disappointment. I think those of us who have worked on this issue are encouraged by what both leaders have stated, that we are not giving up or forgetting this legislation, and we have every intention of ultimately finalizing and getting a bill.

Tonight we cannot look away from what is happening on the southern borders that are open to the kind of vandalism that has taken place, the exploitation which has taken place. We cannot look out at our broken immigration system and think we can let that continue. We cannot look away from so many locations across this country where people who are undocumented are being exploited—dangerously exploited—dehumanized.

We cannot look away from those who have worked in the agribusinesses of this country and had real hope we were going to take action in the Senate, where we have worked for years and years and years in order to get legislation through, which 67 Members of this Senate have cosponsored. Their dreams are dashed this evening.

We cannot look away from the 12.5 million people out across America who tonight, after finding out what has failed to happen in the Senate, know they are going home to their children, and know tonight their fear is enhanced and increased because we have failed to take action.

Sure, they broke the law, but they broke the law because they wanted to work, work, work. They wanted to provide for their families. They wanted to provide for their children. They wanted to work. And 70,000 permanent resident aliens have served in the military in Iraq, in Afghanistan. They wanted to be part of the American dream.

Well, I think as both leaders have stated, doing nothing is not an alternative. It is not an alternative. This issue is not going away. And I leave this evening actually encouraged by what both leaders have stated. Most of all, I am encouraged by the spirit which I have seen in the Senate among Republicans as well as a number of our colleagues who believe we have a real responsibility to accept the challenge of both of our leaders and find a way we can secure a fair and just immigration bill.

It is in that spirit that I hope those who have been involved in this will continue to work so we are going to have a constructive resolution. No bill at all is not a solution.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I have a sense of wonderment as to what the American people are thinking about what has just transpired in the Senate, if there are any people watching on C-SPAN 2.

This is reputed to be the world's greatest deliberative body. But to listen to the debate for the last several days, and to the speeches here this evening, I think people wonder just what is going on.

We worked through the immigration issue in the last Congress, in the Judiciary Committee, and extensively produced a committee bill. We came to the floor and passed a bipartisan bill.

This year, we chose a different course. As I have said before, I think it was probably a mistake not to go through the committee process. But we crafted a bill, bipartisan. About a dozen Senators sat through tedious, laborious hours to construct a bill. As of this moment, we have not succeeded. But I believe we will yet succeed.

We have faced a very difficult issue. We know our borders are porous. We have constructed a way to do our utmost to stop people from coming in illegally. We know the United States is a great magnet, and we have structured a way that employers can find out who is legal and who is not legal. We have crafted a way, with a guest worker program, to provide for the labor needs of the United States and have structured a way to deal with the 12 million undocumented immigrants as best we could.

Accusations have been made it is amnesty. But the fact is, if we do nothing, it is silent amnesty. The 12 million undocumented immigrants will stay here. And the alternative to amnesty—if amnesty it is; and I do not think it is because we have done everything we can to construct the factor of earned right to citizenship, with fines, payment of back taxes, learning English, holding a job, contributing to our society—but the alternative to amnesty—if it is; and I repeat it is not—is anarchy, which is what we have now.

I believe the central point ought to be understood by anyone who is watching C-SPAN 2 that this matter is on life support, but it is not dead, it is not morbid, and ultimately we will produce a list of amendments. We will satisfy those on the Republican side of the aisle who want to vote for amendments. There is no obligation on the part of any Senator who offers an amendment to be committed to vote for the bill. The bill could be improved by those who are opposed to it. But whatever is the case, they have a right to offer amendments. Ultimately, we will satisfy that interest.

I voted for cloture tonight because I think the Democrats were wrong but the Republicans were “wronger”—to use a word which does not exist. But we will return to this issue because it is too important for America not to improve the status quo.

We are still open for business on this bill. If anybody has a better idea on how to deal with the borders, let's hear it; to deal with the employers, let's hear it; to deal with the 12 million undocumented immigrants, let's hear it; to provide a workforce, let's hear it.

One thing I do take difference with my colleagues who have been opposed to the bill—on both sides—they have not come forward with an alternative. I had a discussion with one of the leaders of the opposition who is dead set against this bill today about what would he suggest. He did not have a suggestion. He is still thinking about it.

Well, there has been a lot of time to think about it. We tackled this bill more than 2 years ago in the Judiciary Committee, which I chaired, and it is time that the dissenters came up with something as an alternative, just not be naysayers.

But I am glad to hear what Senator REID has said and Senator MCCONNELL has said about the determination to produce a bill yet, and I think we will return to it. We will yet earn our title as the world's greatest deliberative body.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Mr. President, I want to make a few comments about the legislation we have been working on so hard. The overall comment I want to make is, failure on this issue is simply not an option. Failure is not an option. The people of America deserve the Con-

gress to resolve this issue because of the very important values that are at stake.

I want to say, first, before I make some other comments, that we would not be here, frankly, if it had not been for the leadership of Majority Leader REID in setting aside this time for us to debate this issue of such national significance. So I appreciate him and all the leadership he has provided in this effort.

I also appreciate the leadership of both my Democratic and Republican colleagues who have worked hard on this issue for the last 4, 5 months. Indeed, it has been more than a 4- or 5-month debate and struggle. Indeed, it has been more than a 4- or 5-month debate. We were on this floor for a month last year casting some 30, 35 rollcall votes, and we have been on this issue now for the last several weeks. We had a warning it was coming up. But there has been a lot of work that has gone into this legislation. It is my hope, with the sense of optimism expressed by my good friend, Senator KENNEDY from Massachusetts, that Senator REID and Senator MCCONNELL will lead us to some resolution of this issue.

I want to say a quick word about why I don't think failure is an option. I don't think anybody here ought to be saying the immigration reform package is dead, because it isn't. It isn't. We are very close to coming up with legislation that will address the fundamental values we have been trying to address from the very beginning. In my mind, I want to say what I believe some of those fundamental values are.

First and foremost, we have to fix our borders. We have a system of broken borders in this country where people come across the border and we don't know who is coming into this country. We don't know who is coming into this country. In a post-9/11 world, that is absolutely unacceptable.

We also have a broken immigration system within the country, because when people come into the country, we don't know where they are and we do know that many of them overstay their visas. Forty percent, fifty percent of the people come into the country legally and simply overstay their visas. How can we have a system of national security when we don't know where these people are? So national security compels us to make sure that we get to a solution, and that is why failure is not an option.

Secondly, there are significant aspects to this legislation. I look at the great work Senator DIANNE FEINSTEIN and Senator LARRY CRAIG have done with respect to AgJOBS, a piece of legislation that has been almost a decade in crafting. I know about the fruit that rots in places in California. I know about the agricultural disaster problems we have in many places across our country, including my State of Colorado. AgJOBS is an important part of

the legislation. People and organizations, both Republican-leaning organizations and Democratic-leaning organizations, from the United Farm Workers to the Farm Bureau of America, and others, want us to pass this legislation because it included AgJOBS. Today, the farmers and ranchers of America ought to be saying to this Senate and to the leaders of this Senate that they want this bill and they want to get it done as soon as we possibly can.

Third, there are moral issues that frankly ought to guide us in dealing with some of these issues that are so important to our country. Sure, there are 12.5 million people who came here to America and they came here to work and to live the American dream. Tonight, many of those people live in fear not knowing what is going to happen to them, not knowing what is going to happen to their families the next day. Because they broke the law, we said in this compromise, in this piece of legislation we put together, that we were going to have them pay a fine. We were going to punish them. That is what we do in America all the time. We pass laws in this body. The Presiding Officer and I served as attorneys general for a long period of time, and what we do is when people break the law, we punish them. So we created a system here that provided punishment to people by requiring them to pay a fine.

We also in this legislation require that they pay fees, impact fees. We require them to pay other kinds of fees. So this was not what some of those people from places around the country have said is an amnesty bill. This was a bill that put people into probation and into purgatory where over a period of time, over a period of 8 years—you wait for 8 years and at the end of 8 years, if you do the time, if you pay the fine, if you stay crime free, if you learn English, you go to the back of the line, you meet all of those requirements, then—then—you become eligible for a green card. So what we crafted was a bill that was in fact a workable bill.

Having said all of that, I think the aim here still is to address those very important strategic interests of the United States of America, and I do not believe failure is an option. I believe that the Democrats, working with the Republicans, can still move forward to find legislation that will address the imperative of fixing our broken borders and our lawless immigration system which we currently have in America.

The last thing I want to say again is the best of times, frankly, for me in the Senate have been when Democrats and Republicans came together to solve the problems of our country. The issue of immigration isn't a Republican issue or a Democratic issue; it is an issue that is an American issue. If we are going to solve an issue that is as difficult as this very contentious issue for America, it is going to take Republicans coming over and working with

the Democrats so we can get cloture on the bill, so we can get whatever amendments crafted that are not the poison pills some would try to offer, and we can get that done. I have confidence. I have confidence in my Democratic colleagues as well as my Republican colleagues that we can live up to the optimism—we can live up to the optimism Senator REID shared with us here tonight.

I yield the floor.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from Arizona is recognized.

Mr. KYL. Madam President, I wish to share in the comments of my colleagues who have spoken in favor of this legislation in expressing concern that we were not able to proceed tonight to the final steps for its consideration, but also to express appreciation to the majority leader and others who have expressed a willingness to continue to ensure that legislation can move forward as quickly as possible.

We should not here this evening cast any blame for our failure to move it forward tonight. In a sense, all of us who were supporters didn't do a good enough job of ensuring all of the process could occur that Members properly insist on in order to vindicate their rights to debate and have amendments to get the job done. By the same token, those who oppose the bill need to appreciate that at a certain point, there is adequate consideration of their amendments.

The majority leader expressed this evening the view that we hadn't quite reached that point. And reluctantly, because of that, I joined those who decided to vote to keep the debate moving forward, which at this point means the majority leader has, at least temporarily, set it aside. But it shouldn't be too hard to get about a dozen amendments of Members considered. That is why I say we all share some responsibility, because that shouldn't have been that hard of a task. I hope our leadership will ensure that once we get that list available and ready for consideration, we can quickly take up the legislation again and finish it in this body so it can move forward to the other side.

I am not going to talk about the substance of the legislation tonight. I do want to thank those who worked so hard on its behalf on both sides of the aisle. The Senator from Colorado who has just spoken was an incredible inspiration in getting it done. The work Senator KENNEDY did throughout this effort to ensure that he drove us to a conclusion that was one that didn't satisfy anyone 100 percent, but which all of us at the end of the day found we were able to support—without his leadership, it wouldn't have been possible. My colleague from California, Senator FEINSTEIN, with whom I have worked on so many things, made some very difficult decisions and in that, as always, I respect the way she provided her leadership. On our side, colleagues such as

Senator MEL MARTINEZ, who is on the floor now, my colleague JOHN MCCAIN from Arizona, LINDSEY GRAHAM, and Senator SPECTER who spoke, and all of the others who helped so much on this legislation, we are committed to seeing it through to the end. Another one of our colleagues on the Democratic side, Senator CANTWELL, who also was a help in moving part of this along, said this is a marathon, and she is right. We are not quite to the finish, but we are going to finish.

I know there are those out in America who think this is not a good bill. If you want to criticize the bill, there are a hundred ways to do it. I could point out all the flaws, and there are plenty. But you cannot solve big problems without trying. We have tried hard. We have produced an imperfect product, but a product that is the best to come along yet. In the amendment process we can make it better, and in the rest of the legislative process, hopefully, we can approve it. Hearing from the American people, we have put many of their suggestions into the mix here to help improve it. But if we don't try, this problem that has bedeviled us for years will continue.

As so many others have said, failure is not an option. We have a big problem in this country that needs solving, and I respect those who have put their shoulder to the wheel to solve it in the face of great opposition and misunderstanding in some respects from some of our constituents. But if you don't try, you don't reach these tough solutions. We came here to solve the tough problems.

I will conclude with comments that have always inspired me by Teddy Roosevelt, who was not afraid to get in a dusty arena and fight it out. He said the thing he most appreciated about his opportunities in life was the opportunity to work on work worth doing. This is work worth doing.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Madam President, I wanted to say a few words because for me, this is a very sad day. I had hoped the outcome would be very different. I too want to thank my colleagues.

Earlier this evening, I happened to listen to the gray-haired Senator from Massachusetts speak and I think he probably spoke for an hour without a note. It was a lesson in immigration and a lesson on this bill. I think he knows more and has worked harder and worked longer—not months, but decades—on these issues. So, TED KENNEDY, I want you to know I have the deepest respect and feeling for you, and I am so sorry this day ended the way it did.

But to my other colleagues: Senator KYL, Senator MARTINEZ, who is here, Senator SALAZAR, Senator MENENDEZ, Senator SPECTER, Senator GRAHAM, all of those people who came to the hot rooms and sat around a table and put forward something they hoped could be bipartisan and could pass, I think we

all know the fact is that any immigration bill has to get 60 votes. Therefore, it is not going to be a Democratic immigration bill and it is not going to be a Republican immigration bill; it is going to be a bipartisan bill.

Having said that, when you deal with one word, which is "comprehensive," which means all encompassing, you have to deal with a system that is huge. A visa system by the millions, a broken border, interior enforcement, employer sanctions, all of those things you need to do to fix a system that has existed are broken.

Someone said earlier today: What we have now today in America is effectively amnesty, because people know you can't pick up and deport 12 million people. You can't hold 12 million people. Therefore, what develops is a kind of subterranean, fearful culture that never becomes healthy and part of the main culture of America, and it is so too bad, because it doesn't have to be that way. I think those of us who see that, who looked at the comprehensive picture, who struggled between a Democratic ideology and a Republican ideology and to put those things together that we could put together in virtually every area of immigration reform, found that indeed it was a difficult task. We also found another thing: that there are very strong feelings in this country; and secondly, this bill was misunderstood from the very day it was brought out on the floor. In many different ways, it was misrepresented. It is still being misrepresented to this very day.

People never have understood the complexities of the bill. For example, if you sunset the point system after 5 years, you essentially say that agricultural workers can't get green cards because they have to wait for 8 years, or Z visas can't get green cards because you have to wait for 8 years. The agreement was that in exchange for being able to bring people out of the shadows, to put them through the hoops of becoming legal—not amnesty—oh, and I must tell my colleagues, my hair goes up every time somebody calls it amnesty, because there are all kinds of hoops they must jump through, and they must show a dedication to the country, and they must work and they must pay a fine, and they must learn the language, and they have to do this over a substantial period of time. They have to work to hold their visa. There is a probationary period. They have to submit documents. Some people thought it was too strong, but the fact is, we had a workable program. The exchange for the Republicans for doing that was two things: the guest worker program, and 8 years down the pike, 8 years down, changing the family basis to a nuclear family for green cards—a nuclear family being a mother, a father, and minor children, with additional green cards to move people faster through, with hardship green cards where there was a hardship. I wish to share this with the Senator from Flor-

ida, and other Senators who are here, that with every amendment put on the floor, it drove the sides not closer together but further apart. I watched as we sat here late last night. I saw that as the discussion of amendments went on, we lost Members. It was unfortunate because much of it was not on correct information.

I hope people will take a look at this bill. There may be some decision made that comprehensive, all inclusive is too much to tackle in one bill, that perhaps we should do parts of this bill at a time. This has been a very hard time for those of us who believe we had a product that had a chance to stand the test of time. We have a failing system out there today. Even if we got 25 percent better, it would be better than it is today. We could offer hope for people. We could see they are put in a constructive venue. We could see that enforcement is what it should be. We would put the money into the guarantee of the enforcement. We would use modern electronics to improve employer sanctions. Everybody would have an identification card. We have all these people in this country and we don't know who they are. What kind of a national security risk is that? Answer: It is a big one. We have people coming across all the time. This is a way to know who everybody is in the United States.

So there were so many things in this bill that were good. Sure, there are things I don't like and that Senator DURBIN didn't like and that MEL MARTINEZ didn't like and Senator SALAZAR didn't like and a lot JEFF SESSIONS didn't like. There were even things TED KENNEDY didn't like. But the point is we have a system that is not functional and that is serving no purpose and is using taxpayer dollars without producing the kinds of efficiencies it should. This is what we tried to solve in this bill.

I thought it was a good bill. I thought we could, in conference, work out some of the problems. I guess my observation of the evening is: Is comprehensive too much? Secondly, do people not want a bill so much that they are going to put amendments on this floor that don't bring people together, only divide them further?

In terms of deal breakers—my last point—there was one on each side. We survived that. There was one for each side. Yet there was nothing that could not be remedied in a conference. The achievements, I thought, would have been so strong and our situation so much improved. I hope people will read the bill, look at it, understand how these visa programs would work, understand how the security in this country would be improved by passing it, understand how we can—I have always believed we could control our borders. If we have the will, there will be a way. This was the will and the way to do that.

So it is a dark day for me and a dark evening because a lot of work went

into this. I don't think we should give up. I think we should come back to fight another day. I know we will. To everybody, beginning with TED, KEN, MEL, DICK, and for those Republicans who had the courage in particular to vote yes on cloture, I am very grateful. I think if there were a few more of you, we may have been able to do this tonight. We will come back. I thank everybody.

I thank the Chair and I yield the floor.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. MARTINEZ. Madam President, I share in the disappointment of the evening with the Senator from California. I have been a part of this process, and I never thought in my first days as a Senator that immigration would be one of the signature issues I would deal with. However, it is one I will not shrink from and one I will continue to do all I can to see that we tackle this difficult problem our Nation faces and do something about it.

It would be incredibly easy to walk away from this. In fact, we have seen how easy it is to say "amnesty" and with that, satisfy one responsibility toward solving a problem our country faces today. It is easy to say this would not work, this is wrong, this isn't the right bill, this is the wrong bill, this is a mistake, we should not do this. What has been so ever-present to me is the lack of any constructive solutions. I know now we are going to be in a hiatus, and those who criticized this effort, I hope, will take the time and undertake the responsibility of putting forth a proposal, advancing an idea, doing something other than tearing down those who have put this together.

I don't believe we would have been hurt by one more day of debate. If the bill is going to be brought back, it would have been easier to have given it another day. I can also understand the exasperation and anxiety by one who waited all day for amendments that didn't come. In the blame game of Washington, there is plenty of blame to go around.

I remain committed to this because I believe we owe it to the American people to tackle this very important problem. As I look at what we must do and what is ahead, I am disappointed tonight not so much for me but for those Americans who believe our borders need to be safer. I am disappointed for those who have employees who may be illegal and are looking for a tamperproof ID system that will help them to know their workforce is a legal one. I am disappointed for those who see the opportunity for the economy of our country to be improved and made better by bringing in the best and the brightest under a points system that would reward opportunity for companies to bring in people we are not producing ourselves, but I hope we will produce in the future. But today it is advantageous to us in this global



economy to bring people in from another part of the world to be a part of this thriving, high-tech economy.

I am more disappointed for the families out there who are wondering what is going to happen to them, how will this affect them—the people who fix the cars, mow the lawns at a golf club, make the hotel beds in central Florida, the people who clean the parks so that the next day people can go in and enjoy a summer vacation day, the people who pump the gas for them as they are leaving the park, the people who do difficult construction and hot construction work that takes place in the hot summer in Florida, the people who harvest the citrus crops, and all those people who do all those services and jobs, who also have the anxiety of wondering what is going to happen to them. Those are the people who come to me and ask: Are you doing something about immigration? What are you doing to help? Can you do something? Is it going to happen? When? The Senate, with its long and storied history today, bipartisanly, failed the American people. That is, plain and simply, the way I see it. We have a chance to recover and recoup and come back together to try again to bring this issue to a close and to do something for the American people in a way that will bring honor to this institution. I believe we need to lead because it is time to lead.

It is easy to lead on that which is easy; it is much harder to lead on that which is difficult. I wish to say to the Senator from Massachusetts how much I appreciated working with him. He has worked hard. I also thank the diligent members of our staffs who have given night and day to this effort. So I thank Senator KENNEDY for his participation in this effort. We have all learned from one another. I certainly have been on the learning side of the curve from Senator KYL, who has now gone but who has been an inspiration to me through the way in which he has handled this. I wish to simply say there was another quote from Teddy Roosevelt about the man in the arena, but I will not go through the quote. Those of us who are trial lawyers and have tasted the verdict coming back the wrong way, we understand there are days that don't go the way you want them to go. This was one of them. But there is no statute of limitations and there is no final judgment.

We have an opportunity to come back another day and try again. I hope it will not be long because I think the chances of this matter being brought to a satisfactory conclusion are enhanced if we get back at it sooner rather than later. The American people expect us to solve problems. That is why they sent us here.

I look forward to continuing to work with my colleagues on both sides of the aisle so we can, at some point, do the work the American people expect us to do on this very difficult issue.

I yield the floor.

Mr. DURBIN. Madam President, a number of us stayed on the floor this

evening long after the Senate finished its business on the immigration bill. It is bittersweet to be here after all this effort and time, with so little to show for it. I think the comments made since the decision on the motion to end the debate was voted on have been constructive and positive. I join in that spirit.

First, I acknowledge we learned an important lesson about the Senate, a lesson that bears repeating so those who follow these proceedings will understand what happened. The Senate is a different institution, different than most city councils, different than the House of Representatives, where I proudly served for 14 years. It is an institution designed to protect the minority's points of view. It is an institution that guarantees to every State, large and small, the same number of Senators, and an institution which has honored and protected the rights of the minority since its conception.

It was in 1916, if I am not mistaken, when President Woodrow Wilson asked the Congress to pass a law to arm the Merchant Marine; with the great world war about to begin, German U-boats were sinking American merchant vessels. President Wilson wanted to stay out of the war, but he wanted to protect our fleet. He asked the Congress for the authority to arm the Merchant Marine, and it passed the House. It was stopped cold in the Senate by one Senator, who in those days had the power to stand and filibuster and, by that filibuster or debate, end the possibility of enacting a bill into law. The American people responded with outrage. The Senate was forced, for the first time in its history, to create a way to stop this power of one Senator; so they invented the motion known as the cloture motion, which we had tonight. They said it would take 67, two-thirds of the Senate, to stop one Senator from ending debate and stopping progress on a bill—67 votes.

It wasn't until many years later—almost 50 years—that the Senate amended that and said it would only take 60 votes. This came up during the civil rights debate. It was considered a great reform during that era, and 60 votes became the standard for cloture. In other words, three-fifths of the Senate would have to vote so any single Senator who tried to stop a bill from progressing would be foreclosed, or closed off with the cloture motion. That is the rule that applies today, some 40 years later. It is a rule we have lived under, and it is a rule we tried to apply to this debate.

It was the belief of many that we had enough votes to pass this bill. There were some who wanted to extend debate with more amendments and more amendments, and many of us felt most of these amendments had run their course and were repetitive, and the real ambition of those offering amendments was not to improve the bill, or even challenge the bill, but to stop the bill. So we tried, under the Senate rules,

with the cloture motion, to close off that debate and bring this matter to a close. We fell short of that, despite our best efforts. The rollcall this evening fell short, with a vote of 45 to 50. We needed 15 more votes.

So what those who followed the debate saw this evening was an example of what the Senate is about, why it was created, why it functions, and the frustrating role it sometimes plays. The second thing those who followed the debate saw was the continuing saga of immigration in America. Almost from the first boat that landed in America, immigration has been an issue. How many more people can this great Nation absorb? What kind of people do we want to be our neighbors and future leaders in this country? What kind of people can come here and make this a better place? What kind of people would come here and perhaps make it worse?

We have been engaged in this debate from the earliest days of this country. There have been bitter chapters in this debate—chapters of discrimination and prejudice against those who arrived, glorious chapters when immigrants came and literally gave life to a country in its infancy.

I said on the floor before, and I think at this moment it bears repeating, I am one of those fortunate few. My grandmother and grandfather immigrated to this country. They brought my mother, a 2-year-old infant, from Lithuania and settled in East St. Louis, IL. They lived an immigrant life, a spartan existence. They managed to survive. They managed to prosper and raise a family. And the son of an immigrant mother now stands as the 47th Senator in the history of the State of Illinois. I am so proud of that, not for myself but for the fact that it says a lot of good things about America and about immigration.

This debate evoked a lot of emotional responses. I say to my friend Senator SALAZAR from Colorado, who is truly one of the most extraordinary Senators—he brings his heart to this debate—when he stands before us on issues such as the official language of America and tells what it was like to be raised in a family that spoke Spanish and to be faced with discrimination because of that heritage, it touches my heart.

Of course, Senator SALAZAR and his family are not newcomers to the United States. They were here centuries before my family arrived. I think 500 years ago, if I am not mistaken, the Salazar family started coming into this country, long before any settlers.

When I listen to Senator SALAZAR speak on these issues, I listen very carefully because I know his voice is so important in this debate.

I listen to Senator BOB MENENDEZ from New Jersey, a relative newcomer to the Senate as well, but the man has made a real mark as a child of immigrants to this country.

Senator MARTINEZ, who spoke a moment ago, from the Republican side of the aisle, is an immigrant to this country from Cuba.

America is a better place because of these three people and their families. We know that. Immigration is why we are such a powerful and great Nation. Our diversity is our strength. Those who cannot understand that do not understand this country. Those who think the nature of America is "I am up, let's pull up the ladder," have lost sight of why we are truly unique in this world's history, why many of the things that divide other countries do not divide America, because we have said to people: You are welcome in this country as long as you are tolerant—tolerant of people of different colored skin, different ethnic background, different accents, different religions. These are what make us different. But in that difference is our strength. Immigration is the reason America is as great as it is today, and the detractors and critics have forgotten that.

I listened to Senator REID, Senator FEINSTEIN, and so many others as they talked about this bill. There is one section in this bill that is as close to my heart as any other section. It is the DREAM Act. I decided to introduce the DREAM Act over 5 years ago. At the time I did, a few members of my staff said: This is a serious mistake, Senator DURBIN. People will not like it, they will not understand it, they are going to use it against you.

I disagreed. I believe the DREAM Act tells the story of America in its proper form. The DREAM Act says if you are a child who came to America before the age of 16, brought here by parents, and you are undocumented, if you have lived in this country for 5 years, if you graduate from high school, if you are prepared to either serve our country in the military or to finish 2 years of college, we will give you a chance to be an American citizen.

Why did I introduce this bill? Because, frankly, in my office in Chicago and Springfield and all across the State of Illinois, most of our work is on immigration. I introduced it because I met a young woman, a Korean American who came here at the age of 2, whose family did not file the papers, who learned much later in life when she thought her star was going to soar that she had no country. Her mother came to my office and said: What are we going to do about this little girl? We never filed papers, Senator. Everybody in the house with her is a citizen, but she is not. What can we do?

We went to our agencies of Government and said: What can we do for this 18-year-old girl who has such a bright future, who has been offered a music scholarship because of her skills on the piano? The immigration office said: The answer is obvious: Send her back to Korea.

Send her back to Korea after 16 years of living in this country? After 16 years of American dreams she was to be sent

away? That is when I wrote the DREAM Act. I said it isn't fair. It isn't fair for us to talk about bringing any new people into America until we at least give these children who should not be faulted for any shortcomings of their parents a chance.

I salute all those involved in writing the bill we considered, S. 1348, because from the beginning, I was so honored that they came to me and said this bill will not go forward unless the DREAM Act is included. They worked hard on both sides of the aisle—Democrats and Republicans—and the White House to include in this bill the DREAM Act.

I want to make a promise to those young men and women I still see almost every time I return to my home State of Illinois: I won't quit on you. I promise you I will continue this fight. We are going to pass this law. You are going to get your chance, and you are going to make this a better country. I made you that promise, and I am going to keep it. It wasn't today, but it will be tomorrow. I want to keep that promise. The DREAM Act will become the law of the land. Tens of thousands of kids who are going to school now and are wondering what the future could possibly hold, if you are undocumented and educated in America, those kids are going to get a chance. That is what this country has always been about.

I wish to say a word of praise to a handful of Senators on both sides of the aisle.

On the Republican side of the aisle, there were some true profiles in courage, as Senator REID said. ARLEN SPECTER stepped up and became a real leader on this issue. I have disagreed with him in the past, and I have agreed with him. But I have always respected this man. I watched him day to day battling cancer, never missing a bell, coming to the Senate Judiciary Committee and to the floor of the Senate, keeping up a breakneck schedule, running his staff into the ground while he was undergoing chemotherapy on the weekends. He is truly a man dedicated to public service and brings a special talent to the job.

JON KYL of Arizona. The last time we considered immigration reform, JON KYL was the harshest critic of immigration reform. When I heard he was in on the negotiations, I thought: What is this all about? I quickly learned. It was genuine. He was committed to trying to find a bill. I didn't agree with JON KYL's approach in many areas, but I respect the fact that his commitment was genuine and he tried up until the very last minute to pass this bill.

LINDSEY GRAHAM of South Carolina. I watched the rollcall votes for LINDSEY GRAHAM and thought many times how can he possibly do this? How can he go home, maybe even face a Republican primary, and have the courage to take these votes and cast them the way he has? But he did it over and over again.

MEL MARTINEZ of Florida, I mentioned earlier, from Cuba, wears two

hats, not only a Senator from the great State of Florida, but is chairman of the Republican National Committee—chairman of the National Republican Committee. He has been a true leader on this issue. I have come to know MEL and respect him so much. He has told us in private meetings with Senators the story of his life. I understand why the issue means so much to him personally.

JOHN MCCAIN. JOHN MCCAIN has been kicked around for a lot of reasons. He can take it. He is tough—a POW for over 5 years, a veteran of war. He has been through a lot in his life. He stood up for this bill when people wouldn't have had the courage to do so. I respect him for doing that.

On the Democratic side, what can I say about TED KENNEDY? I am sorry he has left. Maybe his staff or somebody watching will share my feelings about him. It was 40 years ago I sat right up there as a college student. It was 1968. I had heard Senator Bobby Kennedy, a Senator from New York, was coming to the floor and was going to speak out against the war in Vietnam. I waited for a long time until early evening, and through those doors came Bobby Kennedy with his brother TEDDY KENNEDY. He walked over and gave a speech on the Vietnam war. I sat up there in awe of these two great men, Bobby Kennedy and TEDDY KENNEDY. I looked down on them and said: I can't believe I am seeing these giants in American history. I never thought I would see the day when I would serve with TEDDY KENNEDY. He and I disagree from time to time; that is expected in the Senate. But I never had but the greatest admiration for his courage and leadership. This is a man who struggles each day with a disability that might stop others but never stops him, often in pain, often in discomfort. He comes to the floor every day. He comes to the committee every day and fights with all of his heart for what he believes in, and we saw it in this immigration battle.

Senator DIANNE FEINSTEIN, who was here a few moments ago, is a terrific ally on these issues. She is truly looking for bipartisan responses every step of the way, a practical solution, and never gives up. Down in the well as we voted on the cloture motion, she didn't give up the hope we might put together 60 votes. She walked around begging Senators to vote. She is that kind of committed person.

I said a word about Senator SALAZAR, and I won't return to that chapter other than to say he has been a major part of this debate. A newcomer to the Senate, he has made his presence felt. I know he has many years of contribution to this country and the State of Colorado he represents so well.

BOB MENENDEZ I mentioned earlier, Cuban background, another newcomer to the Senate. Both he and Senator SALAZAR on the Democratic side of the aisle are important voices in this debate from the Hispanic community.

And finally, Senator SHELDON WHITEHOUSE, brand new to the Senate,



who is gaining in stature every single day, has been an important part of this effort.

Those are the 10 who come to my mind who deserve special credit and praise.

Let me say in closing, for those who may stand and argue we didn't give them a chance to debate this bill, I think we did. I think we were more than fair. Last year before cloture was invoked on the last immigration bill, the Senate disposed of 30 amendments, 23 rollcall votes. This year the Senate disposed of 42 amendments, not 30, 42 amendments, 28 rollcall votes. In the entire consideration of the immigration bill last year, the Senate disposed of 44 amendments, only 2 more than we have already considered at this point in the debate.

I believe we did everything in our power to offer even more amendment opportunities. I was here with Senator REID today when he repeatedly offered on the floor a chance to bring forward amendments, let's debate them, let's vote on them, let's move forward. And every time he tried, a Senator from the other side of the aisle, the side of the aisle that was begging for amendments, stood up and objected. They objected to calling up the very same amendments they argued were the obstacle to bringing this bill to finality.

Let me say this: It is very difficult and rare to revive and resuscitate a bill that doesn't get cloture once we have moved beyond it. I hope this is an exception. To paraphrase what Senator MARTINEZ and Senator SALAZAR said, there are so many people counting on us when it comes to this vote, thousands and thousands of young people who are begging for this DREAM Act, praying it will pass and give them a chance, millions of people living in shadows, in fear, working hard every day, loving their families, going to the church of their choice, trying to be part of their community, and realizing they are just one knock on the door away from deportation and the destruction of their family and their life as they know it. I cannot imagine living with that shadow over one's life, and so many do. We owe it to them to do something that is honorable in response to this need. And we owe it to our country to repair our broken borders, to slow this flow of illegal immigration, to make sure there is enforcement in the workplace, and to make sure America's doors are still open for those who bring their dreams to America and make it the great Nation we love so much.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Madam President, I want to say a few words. I heard colleagues who have spoken. I have listened at length to some very eloquent remarks evoking sincere feelings and emotions. I certainly respect that. We all in this body are great advocates. We disagree sometimes.

I suggest that we had a couple of problems with the bill, and that is why the bill failed. There are a lot of problems with the legislation itself, and there are a lot of problems that the American people had with it.

The bottom line is, the American people did not have confidence that we were moving legislation that would effectively accomplish what all these great remarks we heard earlier promised it would do. I don't think there is any other person in this body who has personally prosecuted an immigration case. But this Senator has. I did that years ago. I am familiar with the process. I am familiar with the system and the difficulties, including how overwhelmed it has been and why it is not working. The American people were expecting us to fix it.

In my opinion, after studying the bill at great length, analyzing it in detail, I don't believe it would have worked any better than the bill in 1986. So I made up my mind last year and I made up my mind this year that I was not going to support legislation that is not going to work. I was not going to support the 1986 bill. I was not going to vote for a bill that promises amnesty today and law enforcement in the future, and the amnesty occurs but the law enforcement does not. That is the fundamental thing.

Today, somebody handed me some polling data that sheds a little light on this weeks events. The article, posted on the Rasmussen Reports website is titled "Support for an immigration bill falls." A poll conducted Monday and Tuesday night found that 23 percent of voters now support the bill, while 50 percent are opposed. Two-to-one opposed to the bill.

We have heard people say we need to do something, even if it is the wrong something or even if it will not work. We have heard the claim that the American people just want us to do something over and over again. That sounds good, I will admit. We certainly do have serious problems with our immigration system.

The Rasmussen Report says, however, that "in the face of public opposition, some supporters of the legislation have argued that the compromise may not be perfect, but doing something is better than nothing. Voters have a different view—a solid plurality believes it would be better for the country to pass no bill at this time rather than letting the Senate compromise become law." And that is why people's phones have been ringing off the hook, because we are given a responsibility to deal with an important issue.

I love my colleagues. I tease them a lot. I call the group of them that wrote this bill the masters of the universe. They all met in some secret room somewhere, and they started plotting, working, and trying to do the right thing. They met and met and worked and worked, and they decided that they were going to tell America what we needed. They were going to figure it all

out, and just explain to us what the real facts were and how this thing ought to be handled.

But, they are a bunch of politicians—good people but still they are politicians. They didn't invite anybody from the Border Patrol into their meetings to give them advice as to what is actually working on the borders. They didn't invite interior agents from Immigration and Customs Enforcement to tell them how to fix the interior immigration problems. They did have, of course, direct and regular contact with big business. They had direct and regular contact with special advocacy groups, who had their list of demands. They were actively seeking out ways to gain the political support of this group and that group because that is what they think legislation is sometimes. But they forgot about the American people.

I just want to say that on this bill, the American people watched this process closely. On this bill, the American people kept up with it. On this bill, the American people were expecting this Congress to pass legislation that would significantly and dramatically improve the colossally broken system we have.

They didn't expect them to pass a bill that would double illegal immigration. They didn't expect them to be offering to pass a bill that would, according to the Congressional Budget Office just a few days ago, only reduce illegal immigration by 25 percent. After all of the things they were asking us to accept in this bill, we were only going to get a 25-percent reduction in illegal immigration? The American people didn't expect that the deal makers would offer a bill up that would say that after President Bush put the National Guard on the border, somebody who came across the border and ran past the National Guard and got into our country before January 1 of this year would be given amnesty and put on a path to citizenship in this country. That is not principled.

How can we ever assert the rule of law in America if we make a statement to the world that the border is closed, we call out the National Guard, and then anybody who runs by there and gets in, we say: OK, home free, home free, now you are on a path to citizenship. That is not good.

Last year, the bill said that anybody who got in after January 7, 2004, was not eligible for amnesty. This year, they moved the qualifying date to January 1, 2007. Why? I guess it was a political deal. I guess they didn't ask the American people what they thought was moral and just and fair and responsible and compassionate. The deal makers decided that on a political basis it made sense, I suppose. I am told that this is what it was—give here and give there and before you know it you have a bill.

I suggested last year that we have a legitimate guest worker program, and I was so happy to hear that promises were made this year that we would

have one that could actually work. I was excited about that. But as I began to examine it I didn't believe it would be a practical solution the way it was written.

I emphasized last year that people in a temporary worker program should not come for 3 years, as last year's bill did, with their family, and be able to extend again and again and then be expected to leave the country sometime in the future. So this bill was better in that regard, but it still allowed families to come with the person—20 percent—and others to come and visit, creating all kinds of possibilities for overstays in that regard. That is why the Congressional Budget Office projected a very large increase in visa overstays as a result of the way this bill was written in that regard.

I was very intrigued and excited that my suggestion last year—that we model our legislation on the Canadian system—was being considered. The administration said they liked this merit-based system. They liked the point system. They thought we ought to go more in that direction. Canada admits 60 percent of its people through immigration under a competitive, skill-based system because the Canadians have learned and have proven, if you talk to them, as I have, that persons who come in with any college, with a skill, and with a good work history—and if they speak English or French, they give extra points for that—very seldom go on welfare, very seldom take benefits from the government, and become properly productive citizens who pay taxes and become good citizens for Canada.

We have, at this time, only a mere 13 percent of our people coming in on the basis of their skills. Today, the overwhelming majority come in based on chain migration and family connections. I thought we were going to make a real move toward the Canadian system with this bill. I know Senator KYL worked his heart out to try to do that, but when the final compromise was reached, he couldn't get a better deal than this, that this merit system would really not take effect for 8 years, and during the interim period, there would be a surge of chain migration numbers for 8 years, perhaps triple the current rate. To me, that was a political compromise too great. That is something I couldn't support.

Let me just speak briefly about how we came to the final vote tonight. I think the majority leader, HARRY REID, maybe wanted to get rid of this bill from the start. He has now begun to say it is President Bush's bill, but it was the Senate's bill. He called it up without a committee hearing. It is Senator REID's bill, if you want to know the truth. He brought it up under rule XIV. It didn't even go to committee. The majority leader has that power. He called it up directly to the floor.

Yes, it had bipartisan support, but he was the one who enabled that to occur.

The new bill was introduced after they called up the old bill. Then REID tried to substitute a completely new bill, and then we debated that with not a great deal of time. For example, I had 20, 30 amendments filed. I got one amendment up for a vote. I tried to bring up a number of other amendments, and every time I have tried to bring one up, it was objected to. Senator CORNYN, one of the finest, most capable lawyers in the Senate, a former attorney general of Texas and justice on the Texas Supreme Court, got one amendment up for a vote. Senator ELIZABETH DOLE, from North Carolina, had an amendment dealing with drunk drivers—an important amendment. She tried to bring hers up, and it was objected to. This afternoon, there was only one amendment pending that actually had been called up and had been introduced, filed, and made pending.

So we had this discussion about having some votes this afternoon, and then we were told that we were going to re-vote on cloture tonight. What I want to say to my colleagues and anybody who is listening is that if cloture had been obtained tonight, after a half dozen more votes, no other amendments would have been pending.

So we simply had a little disagreement this afternoon. We said that we wanted to have other amendments pending so that if cloture were invoked, we would have amendments that could be voted on post cloture. In fact, we were working to pare down over 200 amendments that had been filed, to bring in those amendments to under 20 amendments, maybe even lower. That is when the majority leader decided to call another cloture vote, and that is the vote that failed, I would note, on a bipartisan basis. While 7 Republicans voted for cloture, 12 Democrats voted against the majority leader and against cloture.

We had not had sufficient time to debate this bill. We had not had sufficient time to have amendments. It will be almost a thousand pages when put in bill language. That is not a bill that can be passed in a couple of weeks. It needs more debate than that, and it was never taken to committee. The committee did not hear it, and no amendments were offered there. It was brought directly to the floor.

So I would just say that I think we do have a responsibility to treat people who come to our country, even those who come illegally, compassionately, fairly, justly, and according to good principles. We have a responsibility to create a legal system that works in America. I am afraid this bill didn't do it. That is my problem with the bill. I think that the American people agreed. If we come back again, the bill needs to be a vastly improved product. I would be glad to suggest some ways to make it better. In fact, I have before, and I will again.

Madam President, I thank the Chair, and I yield the floor.

## REMEMBERING SENATOR CRAIG THOMAS

Mr. SCHUMER. Madam President, it is with a heavy heart that I rise today to honor the service and memory of my friend, Senator Craig Thomas of Wyoming. His exemplary service in the Congress over the past 18 years is a shining example of the good that can be accomplished for the public benefit. A 1955 graduate of the University of Wyoming, Senator Craig demonstrated considerable leadership early in his life; he entered the Marine Corps soon after graduation and rose in rank from private to captain in just 4 years. Following his service, Senator Thomas returned to Wyoming to make a difference in his native State, serving as executive vice president of the Wyoming Farm Bureau and later as general manager of the Wyoming Rural Electric Association. In 1984, Senator Thomas first entered public service as a State representative, was elected to the House of Representatives in 1989, and finally ascended to the Senate in 1995.

It was my honor to work with Senator Thomas during his Senate career. He was a firm believer in compromise and bipartisanship. This was no more evident than when he and I introduced legislation to protect taxpayer privacy. We worked together on a broad range of issues from protecting consumers to stopping the proliferation of nuclear weapons to Iran. Senator Thomas and I shared a belief in this body and what it can achieve. I am very saddened by this tremendous loss, but the memory of Senator Thomas and his good deeds remind us all of a long, rich life that should be celebrated, and I respectfully request that this statement be entered into the RECORD.

Mr. KYL. Madam President, Senator Craig Thomas was a wonderful friend to all of us. He was an accomplished Senator, and he was a true cowboy. It is that spirit that won't be replaced in the Senate, and it is that spirit that I would like to remember today. Craig's record in the Senate will reflect his significant accomplishments, and I wish to honor the quality of the man who achieved them.

I had a special affinity for Craig. Not only did he and I come to the Senate at the same time, we had also served in the House of Representatives together. Craig came to the House in 1989, 2 years after I did, when he won a special election to replace our current Vice President, DICK CHENEY, who had been made Secretary of Defense.

We, of course, were also fellow westerners, and I admired the manner in which he embodied the values of the West: the self-reliance, grit, and quiet determination of pioneers that shape Americans still today.

These values were impressed into Craig as he grew up on a ranch near Cody, WY. Those values of the American West, instilled by the rugged landscape of Wyoming, would serve him well in the Marine Corps and in the Senate.